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EXPRESS MAIL NO.: EL 500 577 358 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mason *et al.*

Confirmation No.: 5583

Application No.: 09/536,552

Group Art Unit: 1635

Filed: March 28, 2000

Examiner: J. Epps

For: IDENTIFICATION OF A NOVEL RETROVIRUS Attorney Docket No.: 9926-003-999
ASSOCIATED WITH PRIMARY SCLEROSING
CHOLANGITIS AND AUTOIMMUNE HEPATITIS

PETITION TO REVIVE APPLICATION UNDER 37 C.F.R. § 1.137(b)

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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JAN 08 2003

OFFICE OF PETITIONS

Sir:

Applicants respectfully request revival of this application under 37 C.F.R. § 1.137(b). On October 25, 2002, Applicants timely filed an Amendment and Response under 37 C.F.R. § 1.116, accompanied by a Petition for Extension of Time extending the period for filing a Brief on Appeal by three months from July 25, 2002 to and including, **October 25, 2002**, in response to a final Office Action dated October 23, 2001 and an Advisory Action dated August 22, 2002. Applicants believe the Amendment and Response put the Application in condition for allowance. Applicants, however, inadvertently and unintentionally failed to timely file an RCE together with the Amendment.

Applicants only became aware that the application had been abandoned after receiving a Notice of Abandonment (mailed December 5, 2002) on December 10, 2002.

The entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 C.F.R. § 1.137(b) was unintentional. Applicants note that this petition is being submitted within two months from the date Applicants were first

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aware that the above-identified application had become abandoned. No terminal disclaimer is required because the application was filed after June 8, 1995.

Applicants submit concurrently herewith a Request for Continued Examination. In accordance with 37 C.F.R. § 1.137(a) and M.P.E.P. § 711.03(c), an RCE is and the requisite fee in compliance with 37 C.F.R. 1.114 are being submitted herewith as a Reply together with an Amendment believed to be a submission responsive within the meaning of 37 C.F.R. § 1.111. Applicants respectfully request that this Petition to Revive the unintentionally abandoned application be granted.

Applicants respectfully request the grant of this petition, and the entry of the enclosed materials into the file of the above-identified Application.

Pursuant to 37 C.F.R. § 1.137(b)(2) and §1.17(m), it is estimated that a petition fee of \$1,300.00 is due for filing this Petition. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

Date January 3, 2003

Samuel B. Abrams 30,605
Samuel B. Abrams (Reg. No.)

By: Jacqueline Benn 43,492
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Enclosures

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